

**REMARKS**

In a final office action date October 16, 2007, claims 11-20, 27, 30, 33, and 36-42 have been rejected under 35 USC §112. In response, claims 15, 17, 19, 33, 36-38, 43, 47 and 48 have been amended, and the following remarks submitted. Claims 11-20, 27, 30, 33 and 36-48 are presently pending.

**35 USC §112, first paragraph rejections – Enablement**

Claims 11-20, 27 and 37-42 have been rejected under §112, first paragraph, for an alleged lack of enablement.

According to the Examiner, the specification is enabled for making and using an isolated *B. spectabilis* polynucleotide comprising SEQ ID NO: 8, or encoding a polypeptide comprising SEQ ID NO: 9, wherein the polypeptide has RIP activity. The Examiner contends that the rejected claims cover “any polynucleotide comprising SEQ ID NO: 8 or encoding a polypeptide comprising SEQ ID NO: 9” and such claims are not enabled by the specification.

**35 USC §112, first paragraph rejections – Written Description**

Claims 11-20, 27, 30, 33, and 36-42 have been rejected under §112, second paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the Inventors, at the time the application was filed, had possession of the claimed invention.

According to the Examiner, the rejected claims are so broad as to encompass any polynucleotide encoding a polypeptide comprising a sequence at least 75% identical to SEQ ID NO: 9, or any polynucleotide comprising SEQ ID NO:8. The Examiner contends that the

specification lacks (i) the function of all proteins comprising SEQ ID NO:9 or encoded by a polynucleotide comprising SEQ ID NO: 8; (ii) regions of the protein that may be modified without affecting the desired activity; (iii) general tolerance of the desired activity to modification and extent of such tolerance; (iv) rational and predictable scheme for modifying any residues with an expectation of obtaining the desired function; and (v) sufficient guidance as to which of the essentially infinite possible choices is likely to be successful.

Response to Rejections

In response to the above §112 rejections, Applicants maintain the arguments previously submitted with regards to claims 11-20, 27, 30, 33 and 36 being enabled by the specification and having an adequate written description therein.

Applicants have amended claims 37, 38, 43, 47 and 48 to recite that the polynucleotide is derived from *B. spectabilis*. The Examiner has indicated that such claims would be enabled and adequately described in the specification. Therefore, Applicants believe that claims 37-48 are in condition for allowance.

If the Examiner has any questions or unresolved issues, she is invited to contact Applicants representative at the phone number provided below.

Respectfully submitted,



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